

1982 WL 189487 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 17, 1982

*1 The Honorable Wendell O. Adams
Magistrate
Post Office Box 1152
Walterboro, South Carolina 29488

Dear Magistrate Adams:

In a letter to this office you questioned whether a privately owned and operated wrecker would come within the definition of an 'authorized emergency vehicle' as defined by [§ 56-5-170, Code of Laws of South Carolina](#), 1976, as amended. Such statute does not expressly include wreckers among those vehicles referenced in such provision as 'authorized emergency vehicles'. Therefore, to be such, it would have to be included within 'other emergency vehicles designated by the Department . . . (the Department of Highways and Public Transportation) . . . or the chief of police of a municipality.' You indicated that you were recently involved with a case where the operator of a wrecker had been charged with speeding while going to an accident scene.

I have been advised by the Department of Highways and Public Transportation that wreckers as such have not been designated as emergency vehicles. I was also instructed that the Department is also unfamiliar with any attempts by any local law enforcement officers to make such a designation.

Further support for a determination that a wrecker is not an 'authorized emergency vehicle' may be found in the fact that pursuant to [§ 56-5-4710, Code of Laws of South Carolina](#), 1976, 'wreckers may use a mounted oscillating, rotating or flashing red light only at the scene of accidents.' Such provision is in conflict with the requirements of [§ 56-5-760, Code of Laws of South Carolina](#), 1976, as amended, which generally provides for the operation of emergency vehicles in violation of traffic regulations. Such section further provides that such vehicles may violate traffic regulations ' . . . only when such vehicle is making use of an audible signal meeting the requirements of § 56-5-4970 and visual signals . . . (i.e. red lights) . . . meeting the requirements of § 56-6-4700 . . . ' Therefore, referencing the above, it would appear that wreckers should not generally be considered as authorized emergency vehicles.

If there are any questions, please advise.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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